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JUN - 5 1997

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OFFICE OF SECRETARY

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June 5, 1997

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

Re: IB Docket No. 97-95
RM-8811

Dear Mr. Caton:

On behalf of Harris Corporation-Farinon Division, we are filing an original and four (4) copies of their Reply Comments and Motion to Accept Late Filed Reply Comments in the above-referenced proceeding.

If there are any questions, do not hesitate to contact the undersigned.

Respectfully submitted,

FLETCHER, HEALD & HILDRETH, P.L.C.

Leonard Robert Raish
Leonard Robert Raish
Counsel for Harris Corporation-
Farinon Division

LRR:cej
Enclosure

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BEFORE THE

Federal Communications Commission

JUN - 5 1997

WASHINGTON, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)

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)
) Allocation and Designation of Spectrum
) for Fixed-Satellite Services in the
) 37.5-38.5 GHz, 40.5-41.5 GHz, and
) 48.2-50.2 GHz Frequency Bands; Allocation
) of Spectrum to Upgrade Fixed and Mobile
) Allocations in the 40.5-42.5 GHz Frequency
) Band, Allocation of Spectrum in the
) 46.9-47.0 GHz Frequency Band for Wireless
) Services; and Allocation of Spectrum in the
) 37.0-38.0 GHz and 40.0-40.5 GHz Bands for
) Government Operations.

IB Docket No. 97-95

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Commission

**MOTION TO ACCEPT
LATE FILED REPLY COMMENT**

This motion is to request the Commission accept the attached Reply Comments by Harris Corporation - Farinon Division in the above cited proceeding. A delay was encountered in meeting the stipulated deadline because of travel commitments by the undersigned that included participation in the ITU CPM-97 meeting in Geneva, Switzerland.

Granting of this Motion will provide additional information on the record for consideration by the Commission. The public interest will be served thereby.

Respectfully submitted

THE HARRIS CORPORATION - FARINON DIVISION

By: Leonard Robert Raish
Leonard Robert Raish

Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street - 11th Floor
Rosslyn, Virginia 22209
(703) 812-0400

Date: June 5, 1997

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)

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Allocation and Designation of Spectrum)
for Fixed-Satellite Services in the)
37.5-38.5 GHz, 40.5-41.5 GHz, and)
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Services; and Allocation of Spectrum in the)
37.0-38.0 GHz and 40.0-40.5 GHz Bands for)
Government Operations.)

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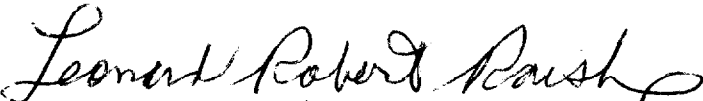
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Commission

**REPLY COMMENTS OF
HARRIS CORPORATION-FARINON DIVISION**

Respectfully submitted

THE HARRIS CORPORATION - FARINON DIVISION


Leonard Robert Raish

Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.
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Date: June 5, 1997

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)
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Allocation and Designation of Spectrum)
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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

To: The Commission

**REPLY COMMENTS OF
HARRIS CORPORATION-FARINON DIVISION**

Harris Corporation - Farinon Division ("Harris"), through its attorneys, submits the Reply Comments below on the above-cited Notice of Proposed Rulemaking ("NPRM"). In these Reply Comments, Harris supports strongly the views being filed separately in this proceeding by the Telecommunications Industry Association Fixed Point-to-Point Communications Section ("TIA"), particularly as regards the need for band segmentation and opposition to the "Underlay" approach.

I. GENERAL

Harris is a Florida corporation with its headquarters located in Melbourne, Florida. Through its Farinon Division, located in San Carlos, California, Harris designs, develops and manufactures microwave and multiplex systems used by licensees in the terrestrial fixed microwave service. Harris is one of the largest suppliers of microwave

equipment in the global market. As a leading manufacturer of equipment used in the terrestrial fixed services, Harris is interested in advancing the state-of-the-art in millimeterwave technology and to maximize the efficient use of frequency bands made available for all microwave services.

II. REPLY COMMENTS OF TIA ARE SUPPORTED

Representatives of Harris participated substantively in the preparation of the Reply Comments filed by TIA in this proceeding. For this reason, Harris strongly supports those Reply Comments and urges the Commission to take them into account. Harris agrees with TIA that the “building blocks” it has spelled out should be recognized by the Commission as the forerunner to implementation of a “band plan” that would expedite commercial development of the 36-51.4 GHz band and provide spectrum therein designated for high density fixed services.¹

Harris shares the views of TIA that neither band sharing between satellite and terrestrial fixed services nor the “underlay” approach will work for the types of applications envisioned for the “38 GHz” band. Band segmentation is considered the only realistic solution as discussed by TIA in its Reply Comments. Concomitant with the acceptance of band segmentation, is the fact that less spectrum would be available for FS and FSS users. However, this would be offset by the fact both services could use their allocated spectrum to its full potential.²

¹See NPRM at § 9, 11-12 and TIA Reply Comments at Pages 4-5.

²See TIA Reply Comments at Pages 17-19.

III. FINITE NATURE OF SPECTRUM MUST BE TAKEN INTO ACCOUNT

The Commission needs to take into account the finite nature of the radio frequency spectrum and the simple fact it must accommodate the needs of all users of radio technology. Large amounts of spectrum have already been allocated to various types of satellite services in the course of which terrestrial services have been or are proposed to be relocated. The voracious appetite for spectrum on the part of the satellite services must now be offset with a requirement those services develop a new sensitivity to efficiency in spectrum usage. Noting the "28 GHz band" has not yet been placed in operational use by the many satellite companies that have proposed to use it, it is not considered effective spectrum management to make further significant additional allocations for satellite communications in the 36-51.4 GHz band at the expense of all other radio services but primarily the terrestrial fixed services.

IV. DELAYING ACTION UNTIL AFTER WRC-97 IS OPPOSED

In reviewing the Comments filed in this proceeding, note is taken that several parties have recommended that action in this proceeding be delayed until after WRC-97. Harris recommends just the contrary. While a final decision on domestic "38 GHz" policy can wait for the results of WRC-97, the U.S. Delegation to WRC-97 should be armed with a solid U.S. position when it deals with "Above 30 GHz" issues.³ The Commission is urged to make a preliminary decision as soon as practicable for use as a basis for the U.S. proposals to be made at WRC-97 as regards Agenda Item 1.9.6.

³WRC-97 Agenda Item 1.9.6 is "the identification of suitable frequency bands above 30 GHz for use by the fixed service for high density applications."

Deferral of a preliminary Commission decision would leave the U.S. Delegation more or less adrift in what is certain to be a difficult negotiation at WRC-97. In its Reply Comments, TIA has offered two scenarios that show potential for international harmonization in this part of the spectrum and these are called to the Commission's attention.

V. CONCLUSION

Harris support for the views expressed by TIA in its Reply Comments being filed in this proceeding are reiterated. The band segmentation approach advocated by Commission is applauded. Clearly, the time has come for the Commission to take into account the finite nature of the radio frequency spectrum and to require the satellite services to seek ways to make more effective use of spectrum already available to them prior to entering additionally the 36.0-51.4 GHz band.

Respectfully submitted

THE HARRIS CORPORATION - FARINON DIVISION

By: 
Leonard Robert Raish

Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street - 11th Floor
Rosslyn, Virginia 22209
(703) 812-0400

Date: June 5, 1997
cej/lrr/lrr#4/HARRIS5.PLEADING

CERTIFICATE OF SERVICE

I, Chellestine Johnson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that copies of the foregoing Reply Comments and Motion to Accept Late Filed Reply Comments were sent this 5th day of June, 1997, by first-class United States mail, postage prepaid, to the following:

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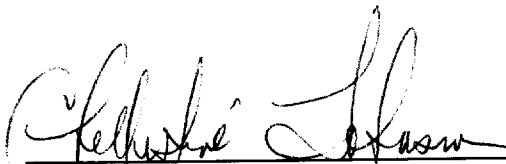
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